

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/601,677

REMARKS

Claims 1-3 have been examined. Claim 2 has been rejected under 35 U.S.C. § 112, second paragraph, and claim 1 has been rejected under 35 U.S.C. § 102(b) in view of DE 19514718 to Eigenstetter ("Eigenstetter"). Also, the Examiner has indicated that claims 2 and 3 contain allowable subject matter.

I. Preliminary Matters

The Examiner has not acknowledged the drawings filed on June 24, 2003. Accordingly, Applicant respectfully requests the Examiner to indicate, in the next Office Action, whether the drawings are acceptable or not.

Also, Applicant has amended claims 2 and 3 for clarification.

II. Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 2 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Accordingly, Applicant has amended claim 2 in a manner believed to overcome the rejection.

III. Rejection under 35 U.S.C. § 102(b)

The Examiner has rejected claim 1 under 35 U.S.C. § 102(b) in view of Eigenstetter. However, Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that the light projector irradiates “parallel” light incident along measuring “points” (i.e., plural points) on a curved surface of an object to be measured. The Examiner maintains that the English translation of the Abstract and Figure 1 of Eigenstetter disclose the above features. However, Figure 1 of Eigenstetter appears to disclose that the beam of light is made to converge on a single point of element 1 (i.e., it is a convergent beam). Therefore, the light is not parallel to be incident along a plurality of points. Accordingly, Applicant submits that Eigenstetter fails to anticipate the claimed invention.

IV. Allowable Subject Matter

As set forth above, the Examiner has indicated that claims 2 and 3 contain allowable subject matter. However, the Examiner also notes that claims 2 and 3 are objected to as being dependent upon a rejected base claim. Since claim 2 is independent and claim 3 incorporates the features of claim 2 therein, Applicant assumes the Examiner did not intend to include such a statement in the Office Action. Further, Applicant submits that reasons other than those presented by the Examiner exist for the allowability of claims 2 and 3.

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V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

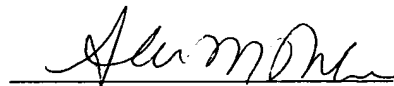
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